

ORIGINAL

PRESIDING OFFICER'S  
RULING NO. R97-1/95

UNITED STATES OF AMERICA  
POSTAL RATE COMMISSION  
WASHINGTON, D.C. 20268

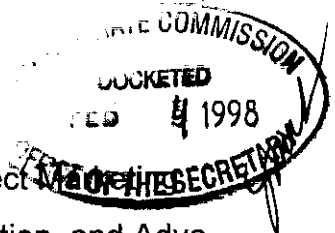
RECEIVED  
FEB 4 3 24 PM '98

Postal Rate and Fee Changes

Docket No. R97-1

PRESIDING OFFICER'S RULING  
SETTING DATES FOR RECEIPT OF TESTIMONY  
SUBMITTED IN RESPONSE TO NOTICES OF INQUIRY

(February 4, 1998)



On February 2, 1998, Advertising Mail Marketing Association, Direct Mail Association, Mail Order Association of America, Parcel Shippers Association, and Advo, Inc. submitted the testimony of Antoinette Crowder concerning issues raised by Notice of Inquiry No. 3, accompanied by joint comments and a motion requesting the establishment of procedures for receiving testimony on these issues. The Postal Service also provided comments and a statement of Donald M. Baron in response to Notice of Inquiry No. 3, and suggests establishing procedures for incorporating fully tested responses and appropriate rebuttal into the evidentiary record.

The Commission publishes Notices of Inquiry in order to solicit the views of interested participants on important issues arising during a proceeding. Depending on the issue raised, a Notice of Inquiry may generate responses in the form of legal memoranda, statements of policy, general "position papers," or technical presentations. As noted by the Postal Service, Notices of Inquiry may generate evidentiary presentations.

Notice of Inquiry No. 5 specifically mentions the possibility of responses in the form of testimony, but the omission of similar language from earlier Notices of Inquiry can not reasonably be interpreted as precluding the submission of responsive evidence

in answer to those requests for statements of views. The Commission appreciates participant efforts to help develop a comprehensive record through the preparation and submission of responsive evidentiary material. Although Notice of Inquiry No. 3 did not specify that responses could include testimonial evidence, the record in this case will benefit from evidence provided by participants responding to Notice of Inquiry No. 3.<sup>1</sup> I shall establish dates for the cross-examination of that testimony, and for the submission of rebuttal, should any participant wish to do so.

I note that Notice of Inquiry No. 4, to which responses are due on February 6, 1998, also did not specify that answers could include testimonial evidence. Again, the record in this case will benefit from any testimonial evidence provided by participants in response to Notice of Inquiry No. 4.

Notice of Inquiry No. 5 provided that responsive testimony would be subject to oral cross-examination on March 3, 1998 and that participants could submit rebuttal testimony on March 9, 1998. Testimony filed in response to Notice of Inquiry No. 3 and Notice of Inquiry No. 4 will be subject to cross-examination on March 2, 1998, and participants may submit rebuttal to that testimony on March 9, 1998. Participants wishing to explore issues raised in responses to these notices of inquiry may submit discovery requests through February 19, 1998.

## RULING

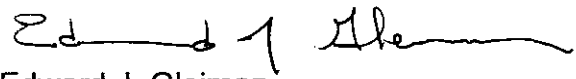
1. The statements of Antoinette Crowder and Donald M. Baron provided in response to Notice of Inquiry No. 3 will be subject to cross-examination and received into evidence on March 2, 1998. Participants may file testimony in rebuttal to these presentations on March 9, 1998.

---

<sup>1</sup> I consider the statements of both Crowder and Baron as evidence provided in response to Notice of Inquiry No. 3.

2. Testimony received in response to Notice of Inquiry No. 4 will be subject to cross-examination and received into evidence on March 2, 1998. Participants may file testimony in rebuttal to these presentations on March 9, 1998.

3. Discovery concerning responses to Notice of Inquiry Nos. 3, 4, and 5 may be filed through February 19, 1998.

A handwritten signature in dark ink, appearing to read 'Edward J. Gleiman', with a stylized flourish at the end.

Edward J. Gleiman  
Presiding Officer